

Panaji, 31st May, 2002 (Jyaistha 10, 1924)

SERIES I No. 9

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette Series I No. 8 dated 23-5-2002 namely Extraordinary dated 28-5-2002 from pages 123 to 126 regarding Notification from Department of Finance (Budget Division).

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

10-4-99/LA (Vol.III)

The Explosive Substances (Amendment) Act, 2001 (Central Act 54 of 2001), which has been passed by the Parliament and assented to by the President of India on 11-12-2001 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 12-12-2001 is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 13th May, 2002.

THE EXPLOSIVE SUBSTANCES (AMENDMENT) ACT, 2001

AN

ACT

further to amend the Explosive Substances Act, 1908.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Explosive Substances (Amendment) Act, 2001.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Substitution of new sections for sections 2 to 5.*— In the Explosive Substances Act, 1908 (hereinafter referred to as the principal Act), for sections 2 to 5, the following sections shall be substituted, namely:—

'2. *Definitions.*— In this Act,—

(a) the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement;

(b) the expression "special category explosive substance" shall be deemed to include research development explosive (RDX), penta erythritol tetra nitrate (PETN), high melting explosive (HMX), tri nitro toluene (TNT), low temperature plastic explosive (LTPE), composition exploding (CE) (2, 4, 6 phenyl methyl nitramine or tetryl), OCTOL (mixture of high melting explosive and tri nitro toluene), plastic explosive kirkee-1 (PEK-1) and RDX/TNT compounds and other similar type of explosives and a combination thereof and remote control devices causing explosion and any other substance and a combination thereof which the Central Government may, by notification in the Official Gazette, specify for the purposes of this Act.

3. *Punishment for causing explosion likely to endanger life or property.*— Any person who unlawfully and maliciously causes by—

(a) any explosive substance an explosion of a nature likely to endanger life or to cause

serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with imprisonment for life, or with rigorous imprisonment of either description which shall not be less than ten years, and shall also be liable to fine;

(b) any special category explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with death, or rigorous imprisonment for life, and shall also be liable to fine

4. *Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.*— Any person who unlawfully and maliciously—

(a) does any act with intent to cause by an explosive substance or special category explosive substance, or conspires to cause by an explosive substance or special category explosive substance, an explosion of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance or special category explosive substance with intent by means thereof to endanger life, or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property in India,

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished,—

(i) in the case of any explosive substance, with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

(ii) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

5. *Punishment for making or possessing explosives under suspicious circumstances.*— Any person who makes or knowingly has in his possession or under his control any explosive substance or special category explosive substance, under such circumstances as to give

rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punished,—

(a) in the case of any explosive substance, with imprisonment for a term which may extend to ten years, and shall also be liable to fine;

(b) in the case any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.'

3. *Amendment of section 7.*— In section 7 of the principal Act, for the words "Central Government", the words "District Magistrate" shall be substituted.

Notification

10-4-99/LA(Vol.III)

The Companies (Amendment) Act, 2001 (Central Act No. 57 of 2001), which has been passed by the Parliament and assented to by the President of India on 22-12-2001 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 24-12-2001 is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 13th May, 2002.

THE COMPANIES (AMENDMENT) ACT, 2001

AN

ACT

further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Companies (Amendment) Act, 2001.

(2) It shall be deemed to have come into force on the 23rd day of October, 2001.

2. *Amendment of section 77A.*— In section 77A of the Companies Act, 1956 ^{1 of 1956.} (hereinafter referred to as the principal Act),—

(a) in sub-section (2), in clause (b), the following shall be inserted, namely:—

'Provided that nothing contained in this clause shall apply in any case where—

(A) the buy-back is or less than ten per cent. of the total paid-up equity capital and free reserves of the company; and

(B) such buy-back has been authorised by the Board by means of a resolution passed at its meeting:

Provided further that no offer of buy-back shall be made within a period of three hundred and sixty-five days reckoned from the date of the preceding offer of buy-back, if any.

Explanation.— For the purposes of this clause, the expression "offer of buy-back" means the offer of such buy-back made in pursuance of the resolution of the Board referred to in the first proviso;";

(b) in sub-section (4), for the words "special resolution", the words "special resolution or a resolution passed by the Board" shall be substituted;

(c) in sub-section (6), after the words, brackets, letter and figure "special resolution under clause (b) of sub-section (2)", the words, brackets and letter "or the Board has passed a resolution under the first proviso to clause (b) of that sub-section" shall be inserted;

(d) in sub-section (8), for the words "within a period of twenty-four months", the words "within a period of six months" shall be substituted.

3. *Amendment of section 292.*— In section 292 of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

"(aa) the power to authorise the buy-back referred to in the first proviso to clause (b) of sub-section (2) of section 77A;".

4. *Repeal and saving.*— (1) The Companies (Amendment) Ordinance, 2001 is hereby repealed. Ord. 7 of 2001.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Notification

10-4-99/LA(Vol.III)

The National Commission for Safai Karamcharis (Amendment) Act, 2001 (Central Act 55 of 2001), which has been passed by the Parliament and assented to by the President of India on 13-12-2001 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 14-12-2001 is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 13th May, 2002.

THE NATIONAL COMMISSION FOR SAFAI KARAMCHARIS (AMENDMENT) ACT, 2001

AN

ACT

further to amend the National Commission for Safai Karamcharis Act, 1993.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the National Commission for Safai Karamcharis (Amendment) Act, 2001.

2. *Amendment of section 1.*— In the National Commission for Safai Karamcharis Act, 1993 (hereinafter ^{64 of 1993.} referred to as the principal Act), in section 1, in sub-section (4), for the figures, letters and words "31st day of March, 2002", the figures, letters and words "29th day of February, 2004" shall be substituted.

3. *Amendment of section 4.*— In section 4 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), the Chairperson, Vice-Chairperson and every Member appointed on

or after the 16th day of February, 2001, shall hold office for a period not exceeding three years from the date of assumption of his office or up to the 29th day of February, 2004, whichever is earlier."

Notification

10-4-99/LA(Vol.III)

The Cine-workers Welfare Fund (Amendment) Act, 2001 (Central Act 56 of 2001), which has been passed by the Parliament and assented to by the President of India on 13-12-2001 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 14-12-2001 is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 13th May, 2002.

THE CINE-WORKERS WELFARE FUND (AMENDMENT) ACT, 2001

AN

ACT

further to amend the Cine-workers Welfare Fund Act, 1981.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Cine-workers Welfare Fund (Amendment) Act, 2001.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2 of Act 33 of 1981.*— In section 2 of the Cine-workers Welfare Fund Act, 1981, in clause (b), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

"(ii) whose remuneration with respect to such employment in or in connection with the production of each of any five feature films, not being less than the monthly remuneration or lump sum remuneration stipulated prior to the commencement of the Cine-workers Welfare Fund (Amendment) Act, 2001, does not exceed such sum, whether monthly or by way of lump sum or instalments, as may be specified by the Central Government by notification in the Official Gazette;"